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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,877	04/17/2006	Saburo Nakamura	80108(302725)	2222

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BOSTON, MA 02205

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

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11/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,877	Applicant(s) NAKAMURA, SABURO	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) 1,3-7 and 10-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Election/Restrictions

1. Claims 1, 3-7 & 10-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election of the boot shown in Figs. 9-11 (Species III) was made **without** traverse in the reply filed on May 27, 2008.

Claim 1 is withdrawn because it has been amended to include the limitations of formerly withdrawn claim 2

Drawings

2. The replacement drawings filed September 19, 2008 are objected to because position (1) appears in Fig. 11, but does not appear to be mentioned in the description.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet”

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pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 8 is objected to because line 19 includes the nonsensical phrase “a base portion of the bulge receiving portion in the occluded groove correspondence to said bulge locking portion”.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inuzuka et al, EP 1 101 982 (Inuzuka) in view of Maas, US 3,623,340 and Thiers et al, US 6,772,568 (Thiers). Figs. 17 & 18 of Inuzuka show a boot 61 for a universal shaft coupling (see Fig. 14) formed by a rubber elastic body (page 13, line 5), and forming a bellows portion between a small-diameter ring portion 71 and a large-diameter ring portion 72, wherein linear separated portions 74, 75 are formed along a generatrix from the small-diameter ring portion to the large-diameter ring portion, both sides of said separated portions are formed thick (see Fig. 18A), and a fastener pair 76, 77 is arranged in said separated portions, and a portion between said separated portions is thinner than said separated portions and is formed in a substantially uniform thickness so as to

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form a general portion connected in a peripheral direction, wherein said fastener pair is constituted by a band-like occluding portion 76 formed along one end edge of said separated portion and provided with a bulge locking portion 762 in a leading end, and a band-like occluded portion 77 provided with a occluding groove (see “groove” at page 13, line 25) occluding with said occluding portion along another end edge of said separated portion.

Inuzuka does not expressly disclose a grease return rib provided at the first inner peripheral surface in a side of the large diameter ring portion. In Figs. 1 & 2, Maas shows a boot 28 for a universal joint 20, the boot comprising a grease return rib 38 provided at the first inner peripheral surface in a side of the large diameter ring portion 29. At the abstract as well as col. 3, lines 18-23, Maas teaches making the boot with the grease return rib in order to provide a means to retain lubricant in the universal joint. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the boot of Inuzuka by making it with a grease return rib at the first inner peripheral surface in a side of the large diameter ring portion in order to provide a means to retain lubricant in the universal joint as taught by Maas.

In Fig. 4, Inuzuka shows the angular portions a & b on the base portion of the bulge locking portion 16' of the occluding portion 14, but does not show the corresponding portion of the occluded portion 15 as curved. In Figs. 15-17, Thiers shows the corresponding portion 44 of an occluded portion 43 as curved and teaches at col. 11, lines 43-53 making the curved portion in order to provide a means of assembly mainly through horizontal movement. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Inuzuka and Maas by curving the corresponding portion of the occluded portion in order to provide a means of assembly mainly through horizontal movement as taught by Thiers.

Response to Arguments

7. Applicant's arguments filed September 19, 2008 have been fully considered but they are not persuasive. Applicant argues that claim 8 is allowable because Inuzuka fails to disclose a guide fin like that recited in claim 1. However, the argument is moot since claim 8 does not recite a guide fin.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Binda/
Primary Examiner
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